

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Ronald J. Finch,

Civil No. 04-3983 (RHK/JSM)

Petitioner,

vs.

**ORDER**

Lisa J.W. Hollingsworth, Warden,  
FCI-Sandstone, Minnesota,

Respondent.

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Respondent has filed Objections to the May 19, 2005 Report and Recommendation of Magistrate Judge Janie S. Mayeron. Respondent objects to Judge Mayeron's determination to waive the exhaustion requirement and reach the claim on its merits.

The undersigned has reviewed de novo the Report and Recommendation and Respondent's Objections thereto, and concludes, for the reasons set forth by Judge Mayeron, that she has properly resolved the issues before her.

Accordingly, and upon all the files, records and proceedings herein, **IT IS ORDERED:**

1. Respondent's Objections (Doc. No. 8) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 5) is **ADOPTED**;
3. Petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc. No. 1) is **DENIED**; and

4. This action is **DISMISSED WITH PREJUDICE.**

Dated: June 16, 2005

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge